

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

THADDEUS M. LIETZ,

Plaintiff,

v.

Case No. 12-cv-0466

STEVEN SCHUELER and LT. PASKEY,

Defendants,

ORDER

On May 10, 2012, plaintiff filed a pro se complaint under 42 U.S.C. § 1983, alleging a violation of his civil rights. On May 31, 2012, plaintiff filed a motion for leave to proceed in forma pauperis and a copy of his prisoner trust account statement. I directed him to pay an initial partial filing fee of \$12.61. He then filed a motion for contempt and motion for extension of time, asking me to order the prison to pay the initial partial filing fee out of plaintiff's release account.

Plaintiff asserts that Deputy Warden Eckstein has no regard for the court's orders and has deprived plaintiff of the use of his own money in his prison release account. It appears that what he really sought was an order directing the prison to allow plaintiff to pay the initial partial filing fee from his release account and an extension of time to pay the fee until the prison allowed him to use the money from his release account.

In another case pending before me, plaintiff filed a notice of change of address because he was due to be released on June 19, 2012. The Wisconsin Department of Corrections' inmate locator confirms that plaintiff is no longer in prison and is now on active community supervision. Thus, the prison no longer has control over plaintiff's funds and,

presumably, plaintiff's prison accounts have been liquidated. Nevertheless, plaintiff still has not paid his initial partial filing fee. This case will be dismissed without prejudice, but plaintiff may file a new complaint if he wishes to pursue these claims in the future.

Therefore,

IT IS ORDERED that this case is **DISMISSED WITHOUT PREJUDICE** for failure to pay the initial partial filing fee.

IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 17th day of July 2012.

s/ Lynn Adelman

LYNN ADELMAN
District Judge